

Senate Bill 168

By: Senators Unterman of the 45th, Johnson of the 1st, Heath of the 31st, Hooks of the 14th, Jackson of the 2nd and others

AS PASSED

AN ACT

To revise provisions relating to ethics and campaign finance; to change provisions relating to the powers and duties of the State Ethics Commission; to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government Act," so as to revise provisions relating to prohibitions against campaign contributions by regulated entities to their elected regulators; to revise provisions relating to contributions by officers and employees of regulated entities; to require disclosure report identification of contributions by officers and employees; to prohibit elected regulators from soliciting contributions from officers and employees; to change certain provisions regarding filing campaign disclosure reports and financial disclosure reports; to eliminate duplicate copy filing of certain disclosure reports with county election superintendents; to provide that electronic filing shall constitute an affirmation that a report is true, complete, and correct and that no written affirmation shall be required for electronic filings; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly in general, so as to provide for certain reports with respect to members failing to file tax returns or in default on tax payments; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government Act," is amended in Code Section 21-5-6, relating to powers and duties of the State Ethics Commission, by revising paragraphs (7) and (8) of subsection (a) as follows:

"(7) To adopt in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," such rules and regulations as are specifically authorized in this chapter; and

(8) To do any and all things necessary or convenient to enable it to perform wholly and adequately its duties and to exercise the powers specifically authorized to it in this chapter."

SECTION 2.

Said chapter is further amended in Code Section 21-5-30.1, relating to prohibited contributions by regulated entities to elected executive officers or candidates, by revising subsection (d) as follows:

"(d) Nothing contained in this Code section shall be construed to prevent any person who may be employed by a regulated entity, including a person in whose name a license or lease is held, or who is an officer of a regulated entity from voluntarily making a campaign contribution from that person's personal funds to or on behalf of a person holding office as an elected executive officer regulating such entity or to or on behalf of a candidate for the office of an elected executive officer regulating such entity or to or on behalf of a campaign committee of any such candidate; provided, however, that:

- (1) The elected executive officer or candidate receiving one or more campaign contributions described in this subsection shall in his or her disclosure report under Code Section 21-5-34 separately identify each contribution and the total of contributions which he or she knows or should have reason to know are described in this subsection;
- (2) It shall be unlawful for any regulated entity or elected executive officer to require another by coercive action to make any such contribution."

SECTION 3.

Said chapter is further amended in Code Section 21-5-34, relating to disclosure reports, by revising subparagraph (a)(1)(A) and the introductory language of subsection (e) as follows:

"(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office, except county and municipal offices, and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum shall sign and file with the commission the required campaign contribution disclosure reports. "

"(e) Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a

registration with the commission in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures. Such persons, other than independent committees, shall also file campaign contribution disclosure reports in the same places and at the same times as required of the candidates they are supporting. The following persons shall be exempt from the foregoing registration and reporting requirements:"

SECTION 4.

Said chapter is further amended in Code Section 21-5-34.1, relating to filing campaign contribution disclosure reports electronically, by revising subsection (e) as follows:

"(e) The electronic filing of any campaign contribution disclosure report required under this article shall constitute an affirmation that the report is true, complete, and correct."

SECTION 5.

Said chapter is further amended in Code Section 21-5-50, relating to filing of financial disclosure statements by public officers and candidates, by revising subsection (e) as follows:

"(e) The electronic filing of any financial disclosure statement required under this article shall constitute an affirmation that the statement is true, complete, and correct."

SECTION 6.

Said chapter is further amended by revising Code Section 21-5-51, relating to verification of financial disclosure statements, and Code Section 21-5-52, relating to mail filing of financial disclosure statements, as follows:

"21-5-51.

The financial disclosure statements required under this article shall be verified by oath or affirmation of the public officer filing the statement, such oath or affirmation to be taken before an officer authorized to administer oaths, unless filed electronically in which case the electronic filing shall constitute an affirmation that the statement is true, complete, and correct.

21-5-52.

(a) The mailing of the notarized financial disclosure affidavit by United States mail, with adequate postage affixed, within the required filing time as determined by the official United States postage date cancellation, shall be prima-facie proof of filing when the disclosure statement is not filed electronically.

(b) It shall be the duty of the commission or any other officer or body which receives for filing any document required to be filed under this chapter to maintain with the filed document a copy of the postal markings or statutory overnight delivery service markings of any envelope, package, or wrapping in which the document was delivered for filing if mailed or sent after the date such filing was due."

SECTION 7.

Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly in general, is amended by adding a new Code section to read as follows:

"28-1-8.

(a) The state revenue commissioner shall be required to report to the chairperson of the Senate Ethics Committee the name of any Senator who has not filed a Georgia personal income tax return required by law to be filed by the Senator or is a defaulter for state income taxes in violation of Article II, Section II, Paragraph III of the Constitution. The state revenue commissioner shall be required to report to the chairperson of the House Committee on Ethics the name of any Representative who has not filed a Georgia personal income tax return required by law to be filed by the Representative or is a defaulter for state income taxes in violation of Article II, Section II, Paragraph III of the Constitution.

(b) The state revenue commissioner shall give written notice by registered or certified mail, return receipt requested, or statutory overnight delivery of any report under this Code section to the member of the General Assembly who is to be named at least 30 days prior to making such report.

(c) Upon receipt of a report under this Code section, the chairperson of the committee to whom the report is made shall undertake an appropriate investigation of the matter and report the findings of the investigation to the presiding officer of his or her chamber.

(d) Nothing in this Code section shall apply with respect to a tax return for which the taxpayer has timely applied for and received an unexpired extension of time to file.

(e) The provisions of this Code section shall control over the provisions of Code Section 48-7-60 or any other law relating to confidential treatment of state income tax return information."

SECTION 8.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.